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WRITER'S DIRECT DIAL

October 6, 2009

Hon. Carol E. Jackson  
United States District Judge  
United States District Court  
Eastern District of Missouri  
111 South 10<sup>th</sup> Street, Suite 3.300  
St. Louis, MO 63102

**Re: *United States of America v. Gary Stephen Kaplan***  
***Case No. 4:06CR00337 CEJ***

Dear Judge Jackson:

This office represents four hundred and seventy (470) Costa Rican workers who were employed by BetonSports, PLC and related entities, including all entities defined as the "BETONSPORTS ORGANIZATION" as set forth in the indictment (hereinafter "BetonSports"). We have reviewed the Preliminary Order of Forfeiture issued by Your Honor on August 14, 2009. We understand that a Sentencing Hearing for the defendant Gary Stephen Kaplan has been ordered for October 27, 2009, and request the opportunity to address the Court regarding our Clients' claim to forfeited funds prior to sentencing.

Specifically, we request that the Court amend its forfeiture order and order that the sum of \$4,000,000.00 of forfeited assets be reserved in a fund to compensate our Clients, and potentially as many as four hundred and fifty (450) other workers as victims of the criminal enterprise under the Mandatory Victims Restitution Act, 18 U.S.C. § 3663A. These workers were directly and proximately harmed by the defendant's criminal enterprise.

The Costa Rican employees were entitled to statutory "liquidation" under the law of Costa Rica. The "liquidation" includes, among other things, severance, unpaid vacation, unpaid Aguinaldo (legally required compensation of one month paid salary each December), Predviso (legally required compensation for failure to give proper notice of termination). "Liquidation" is considered by Costa Rican citizens as a form of savings which is relied upon heavily by workers, and is akin to unemployment compensation and retirement compensation in the United States. Despite the fact that the

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employees were engaged in lawful activity in the jurisdiction in which they were working, as a direct result of BetonSports' criminal activity within the United States, the employees were deprived their statutory "liquidation."

The employees are individuals, who were not earning large sums as compensation from BetonSports. The collapse of their employer, directly due to its criminal activity in the United States, has devastated these workers financially. As you will see from the attached spreadsheet identifying each claimant and the amount to which the worker is entitled under Costa Rican law, their claims are individually significant, particularly in the Costa Rican economy. Please also note that the larger claims were for workers who were employed for significant time.

We respectfully request that the Court allow these claimants to address the Court to state their claim to forfeited funds under the Mandatory Victims Restitution Act, and request an amendment to the forfeiture order.

Respectfully submitted,



Brian J. O'Dwyer

BOD:rwf  
Attachment

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